

1 DAVID YEREMIAN & ASSOCIATES, INC.
2 David Yeremian (SBN 226337)
3 david@yeremianlaw.com
4 Alvin B. Lindsay (SBN 220236)
5 alvin@yeremianlaw.com
535 N. Brand Blvd., Suite 705
Glendale, California 91203
Telephone: (818) 230-8380
Facsimile: (818) 230-0308

6 Attorneys for Plaintiff JORGE A. ZEPEDA,
7 on behalf of himself and the Settlement Class

8
9 **UNITED STATES DISTRICT COURT**
10
11 **CENTRAL DISTRICT OF CALIFORNIA – EASTERN DIVISION**

12 JORGE A. ZEPEDA, an individual, on
13 behalf of himself and others similarly
14 situated,

15 Plaintiff,

16 vs.

17 MASTEC NETWORK SOLUTIONS,
18 LLC, a Florida limited liability
19 company; MASTEC SERVICES
COMPANY, INC., a Florida
corporation; MASTEC NETWORK
SOLUTIONS, INC., a Florida
corporation; WESTOWER
COMMUNICATIONS INC., a
Delaware corporation; and DOES 1
through 50, inclusive,

20 Defendants.

21 Case No.: 5:18-cv-00749-VAP-SHK
22 CLASS ACTION

23
24 **NOTICE OF MOTION AND
PLAINTIFF'S UNOPPOSED
MOTION FOR FINAL APPROVAL
OF JOINT STIPULATION OF CLASS
ACTION SETTLEMENT AND
RELEASE**

25 [Filed concurrently with Memorandum of
Points and Authorities; Declarations of
David Yeremian and Lindsay Kline; and
[Proposed] Order and Judgment]

26 Date: September 16, 2019
27 Time: 2:00 p.m.
28 Judge: Hon. Virginia A. Phillips
Location: First Street Court House
Courtroom 8A
350 W. 1st Street
Los Angeles, CA 90012

Original Complaint: February 16, 2018
Removed: April 12, 2018
First Amended Complaint: June 29, 2018

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that, on **September 16, 2019**, at **2:00 p.m.** or as
3 soon thereafter as counsel may be heard, in Courtroom 8A of this Court, located at
4 350 West 1st Street, Los Angeles, California, before the Honorable Virginia A.
5 Phillips, Plaintiff JORGE A. ZEPEDA (“Plaintiff”), on behalf of himself and all
6 other similarly situated employees of Defendants MASTEC NETWORK
7 SOLUTIONS, LLC and MASTEC SERVICES COMPANY, INC. (collectively
8 “Defendants” or “MasTec”), will and hereby do move for final approval of the
9 parties’ Joint Stipulation of Class Action Settlement and Release (“Settlement” or
10 “Settlement Agreement”).

11 This Motion is being filed concurrently with, and will be heard with, Plaintiff’s
12 Motion for Approval of Award of Attorneys’ Fees and Costs and Class
13 Representative Enhancement Payment (“Fees and Costs Motion”). Defendant does
14 not oppose this Motion, the Fees and Costs Motion, or the requested awards.

15 A copy of the parties’ preliminarily approved Joint Stipulation of Class Action
16 Settlement and Release (“Settlement” or “Settlement Agreement”) is provided at
17 **Exhibit A** to the Declaration of David Yeremian in support of the concurrently filed
18 Fees and Costs Motion (“Yeremian Fees Decl.”). (*See also* ECF No. 28-3). The
19 preliminarily approved Notice of Proposed Class Action Settlement and Final
20 Fairness and Approval Hearing (“Class Notice”), which was mailed to the Class
21 members on **June 17, 2019**, is provided with the supporting Declaration from the
22 Settlement Administrator, Lindsay Kline of Simpluris, Inc. (*See* Declaration of
23 Lindsay Kline Re: Notice and Settlement Administration and Final Approval (“Kline
24 Decl.”), para. 9, Exhibit A).

25 Plaintiff makes this Motion pursuant to the Court’s authority to approve the
26 class action settlement upon finding that it is fair, reasonable, and adequate under
27 Rule 23(e)(2) of the Federal Rules of Civil Procedure. The basis for this Motion is
28 that the proposed settlement is fair, adequate, and reasonable and in the best interests

1 of the Class as a whole, and the procedures proposed by the parties are adequate to
2 ensure the opportunity of Class members to participate in, opt out of, or object to the
3 Settlement. The Court has already preliminarily approved the Settlement, and the
4 Settlement Administration has been completed successfully. It provides reasonable
5 compensation to Plaintiff and the Class Members for their claims against Defendant.

6 Plaintiff requests entry of the concurrently provided [Proposed] Order and
7 Judgment granting final approval of the Settlement Agreement and awarding the
8 Settlement Administrator, Simpluris, Inc., reasonable administration costs and fees of
9 \$9,000.00. Plaintiff further requests that the Court approve the requested attorneys'
10 fees and costs and representative enhancement payment awards, as addressed in the
11 Fees and Costs Motion documents.

12 Plaintiff respectfully submits good cause exists for granting the Motion for the
13 reasons set forth in the concurrently filed documents, and those submitted with the
14 concurrently filed Fees and Costs Motion. This Motion is based upon this Notice of
15 Motion and Unopposed Motion, the Memorandum of Points and Authorities, and the
16 Declarations of David Yeremian (Class Counsel) and Lindsay Kline (Settlement
17 Administration), along with the other documents filed herewith, including the
18 Settlement Agreement documents, any Exhibits to the Declarations, and the
19 [Proposed] Order and Judgment, as addressed above, and the other pleadings and
20 records on file in this action, and the presentations of counsel and such oral or
21 documentary evidence as may be presented at the hearing on this unopposed Motion.

22
23 DATED: August 19, 2019

DAVID YEREMIAN & ASSOCIATES, INC.

24
25 By: /s/ Alvin B. Lindsay
26 David Yeremian
27 Alvin B. Lindsay
28 Attorneys for Plaintiff JORGE A.
ZEPEDA and the Settlement Class